

### **MEETING #3 – January 8**

At a Regular Meeting of the Madison County Board of Supervisors on January 8, 2013 at 3:00 p.m. in the Madison County Administrative Center Auditorium located at 414 N. Main Street:

PRESENT: J. Dave Allen, Chairman  
Doris G. Lackey, Vice-Chairman  
Jerry J. Butler, Member  
Pete J. Elliott, Member  
Jonathon Weakley, Member  
Ernie Hoch, County Administrator  
V. R. Shackelford, III, County Attorney  
Teresa Miller, Finance Director  
Jacqueline S. Frye, Clerk of the Board

#### **1. Regular Meeting Agenda**

Chairman Allen called the meeting to order and noted that all members are present and a quorum was established.

#### **2. Pledge of Allegiance & Moment of Silence**

The Board of Supervisors commenced their meeting with the Pledge of Allegiance and a moment of silence.

#### **3. Adopt Agenda**

Chairman Allen advised there are changes to today's Agenda which has been prepared for all members to denote a change during the evening session – Item #9 and Item #10 will need to be postponed as a result of the paperwork needed in order for the school system to act hasn't been received from the Attorney associated with the banking institution. Also, Item 10a (Salary Study) will need to be added, as requested by Supervisor Weakley; and Item 10b (Department Head Selection Process) will need to be added as the County Administrator may have some candidate to be considered for review. Also, Item 12 will not be for 'adjournment' – the Board will need to continue this meeting in order to deal with CIP issues after the school board acts on Monday, January 14, 2013 at 7:00 p.m. – it is anticipated the County will be able to take action at about 7:30 p.m.

In closing, Chairman Allen advised that Items 13 through Item 17 will be added to the Continued Meeting Agenda for discussion on Monday, January 14, 2013.

Chairman Allen called for further additions, deletions or corrections to today's Agenda.

Supervisor Butler recommended the Board move the public comment opportunity to Item 10-c so the public will have the opportunity to comment after all items have been discussed.

Chairman Allen advised the Board has designated the public comment opportunity at the beginning of the evening session to prevent citizens from endure a possible long meeting in order to comment.

After discussion, it was the consensus of the Board to move the public comment opportunity to Item 10c.

Supervisor Elliott advised that he'd like to discuss time sheets.

After discussion, Chairman Allen asked if there was disagreement with adding the aforementioned topic as Item 9a, just before the closed session.

Supervisor Lackey moved that today's Agenda be adopted as amended, seconded by Supervisor Butler, with the following vote recorded:

J. Dave Allen	Aye
Doris G. Lackey	Aye
Jerry J. Butler	Aye
Pete J. Elliott	Aye
Jonathon Weakley	Aye

#### **4. Monthly Reports**

##### ***a. Department Heads (if necessary)***

None.

##### ***b. Constitutional Officers (if necessary)***

**Sheriff's Department:**

None.

##### ***c. VDOT (if necessary)***

Roy Tate, Acting Residency Manager, was absent, but provided a monthly report for review.

##### ***d. School Superintendent (if necessary)***

Matthew Eberhardt, School Superintendent, was present and thanked Chairman Allen and the County Administrator for attending the recent school board meeting; he also

recognized the recent passing of Mr. George Volchansky and acknowledged his years of service to Madison County within the school system and both local governing boards.

The Superintendent advised that if no changes are implemented regarding the 'fiscal cliff', the school system will see a reduction in federal dollars of about \$77,000.00 (8.2% to 9.2%). The school board reviewed a report on random drug testing as requested by a committee of parents, students, health professionals, and school employees – out of 105 parents surveyed, 104 were in favor of the random testing and all students were also in favor of testing for student athletes. A review was also done on two (2) HVAC options; however, no action was taken as the school board would like to review more information before a decision is made. In closing, he advised the Band and Forensics Team were sent to competitions and were very successful in moving onto state competition and national recognition.

***e. Bond Release (if any)***

None.

The County Attorney did advise that he has a bond issue that will need to be discussed in today's closed session based on negotiation of the forfeiture of the bond.

***f. Finance Office***

***i. Certificate of claims – General Operations (November 2012 – FY2013)***

Chairman Allen asked if there were any questions pertaining to the Certificate of Claims for General Operations (November 2012 – FY2013).

On motion of Supervisor Lackey, seconded by Supervisor Weakley, the certificate of claims for general operations totaling \$627,606.81 are approved as submitted, with the following vote recorded:

J. Dave Allen	Aye
Doris G. Lackey	Aye
Jerry J. Butler	Aye
Pete J. Elliott	Aye
Jonathon Weakley	Aye

***i. Certificate of Claims- Debt Service (November 2012 – FY2013)***

Chairman Allen asked if there were any concerns regarding the Certificate of Claims – Debt Service (November 2012 – FY2013).

On motion of Supervisor Weakley, seconded by Supervisor Lackey, the certificate of claims for debt service, totaling \$1,404,934.64 is approved as submitted, with the following vote recorded:

J. Dave Allen	Aye
Doris G. Lackey	Aye
Jerry J. Butler	Aye
Pete J. Elliott	Aye
Jonathon Weakley	Aye

***iii. Certificate of claims – Tourism Enhancement (November 2012 – FY2013)***

Chairman Allen asked if there were any concerns regarding the Certificate of Claims for Tourism Enhancement (November 2012 – FY2013).

On motion of Supervisor Lackey, seconded by Supervisor Butler, the certificate of claims for tourism enhancement totaling \$1,773.00 is approved as submitted, with the following vote recorded:

J. Dave Allen	Aye
Doris G. Lackey	Aye
Jerry J. Butler	Aye
Pete Elliott	Aye
Jonathon Weakley	Aye

***iv. Supplemental Requests – General Operations***

None.

***g. Minutes***

None.

**5. Consent Agenda:**

None.

**6. Discussion/Action Items:**

**i. Time/Location for Budget Workshops**

Chairman Allen advised the Board will need to determine a time and location for the workshop session scheduled January 22<sup>nd</sup> 23<sup>rd</sup> and 24<sup>th</sup>.

After discussion, the Board scheduled the budget workshop sessions for January 22<sup>nd</sup>, 23<sup>rd</sup> and 24<sup>th</sup> and February 13<sup>th</sup> will each begin at 8:30 a.m. at the Thrift Road Office.

**ii. Economic Development/Tourism:**

The County Administrator provided information regarding former President Herbert Hoover's promise to Madison County to have an entrance to the Shenandoah National Park in consideration of the County's sacrifice of labor, money, hospitality and the surrendering of private property. A power point presentation was provided along with

an explanation as to how the entrance could enhance tourism in the County, showcase our way of life to others, and allow the County to keep a low tax base.

Chairman Allen advised that a Resolution has been drafted today for consideration.

The County Administrator advised that today's initiation will require no formulation of funding and some Board members have family members who have lost land because of the creation of the park. In closing, he advised that a copy of today's document will be forwarded onto Delegate Ed Scott and Senator Emmett Hanger, if approved.

The Board members expressed appreciation to the County Administrator's for gathering the information contained in today's presentation; they also feel this is something that should be done and hope the citizens provide their support.

Supervisor Butler suggested the document also include a paragraph to denote benefits to the park before any action is taken on behalf of the County.

Chairman Allen advised that today's presentation is well documented, and although this presentation wasn't intended to be a public hearing, he opened the floor for citizen input, should anyone desire to speak.

Kim Smith was present and asked if there has been any previous discussion amongst the Board regarding the Resolution or if today is the first presentation; she also asked about any financial and environmental issues and whether there are specific stakeholders involved.

The County Administrator advised that he spoke with representatives from the park and was provided answers to many questions; representatives from the park are here today and they will be included in future discussions about this issue. Furthermore, he advised that today's presentation is truly the first step in planning and that nothing has been discussed regarding funding. He is also encouraged by the fact there are no intentions of building a road, as one is already in place that will provide a unique entrance and also allow others to experience the vision that President Hoover and Governor Byrd experienced over eighty-four (84) years ago. In closing, he advised that environmental groups will need to be involved in this endeavor.

James Ballard was present and advised that an entrance will not only benefit Madison County, but the park as well.

The County Administrator advised there is a Resolution the Board will need to consider at some point, which only advises that the County is in favor of today's initiative – there is no commitment of funding other than to form a committee to report progress to the County on a monthly basis. Furthermore, two (2) existing members have family that actually lost land because of the park, and he feels the first step will be to agree to make today's endeavor a reality. In closing, he advised that he has spoken to Delegate Ed Scott and Senator Hanger, and copies will be provided to them, if approved.

Supervisor Lackey advised that she is in favor of today's request, but would like the opportunity to review the Resolution first.

Chairman Allen advised the Board doesn't have to take action today.

Supervisor Butler suggested a paragraph be added to denote the benefits to the park before action is taken on the resolution; he also asked if any of the park representatives had any suggestions.

Supervisor Weakley verbalized agreement with the aforementioned comments and suggested the resolution be reworked and presented for review and/or action at the January continued meeting.

Chairman Allen advised the Board will need to vote in order to amend the Agenda for the January continued meeting to allow for action on today's issue.

After discussion, on motion of Supervisor Weakley, seconded by Supervisor Lackey, the Board voted to amend the Agenda for the continued meeting scheduled for Monday, January 14, 2013 at 7:30 p.m. to consider the Resolution regarding Madison County's interest in the Shenandoah National Park, with the following vote recorded:

J. Dave Allen	Aye
Doris G. Lackey	Aye
Jerry J. Butler	Aye
Pete J. Elliott	Aye
Jonathon Weakley	Aye

**4:00 p.m. PUBLIC COMMENT OPPORTUNITY (not to exceed five [5] minutes per speaker)**

Chairman Allen opened the floor for public comment.

Joe May (Madison) was present and suggested the school system keep things simple and be tactfully and technically proficient; he feels that Supervisor Elliott is aware of construction issues because of his background in the field; he's afraid if the County turns over \$10,700,000.00 to the school system, it will not be properly spent or managed – similar to what transpired with the past stimulus money and the \$500,000.00 in funding that could only be used for personnel that the superintendent failed to disclose ever having. In closing, if all the County can do is administer funding to the school board, then what are the citizens to think, as he feels there is a level of deceit where the school board is concerned.

Eleanor Montgomery was present and advised that based on her concerns regarding funding for the courthouse project, she is also concerned about funding for the school renovations projects; she emailed questions to all Board members and not all have responded; she doesn't feel her questions are hypothetical, as a budget is an estimate and should entail good planning and contingency; she also questioned if:

- a) Improvements will be done on a line by line basis;
- b) Will these renovations call for a tax increase;
- c) Why were the projects not competitively bid; and

d) Why will the architects be paid before any work is done;

Bill Campbell was present and verbalized concerns regarding the funding for school renovations and the refinancing of the final payment on the courthouse project for fifteen (15) years; he also questioned how the professional fees increased from \$50,000.00 to \$500,000.00 and why the architects will be paid most of the fee before any work is done. In closing, he feels the money being spent is wasteful and questioned whether the professional fees are considered as a part of the 'soft costs.'

Kim Smith was present and advised that based on information from the FOIA Council on all Virginia localities, Madison County received an acceptable rating. She also suggested that the budget process be made more transparent; that the website be made more user friendly; that every contract and/or change order for the CIP be made readily accessible to the general public; and that the Board be open, honest and share with the citizens. In closing, she acknowledged that she would prefer a hard copy of the minutes as opposed to the digital version.

Ms. Smith advised there will be a meeting of the Piedmont Environmental Council on January 10, 2013 pertaining to economic development, and suggested a Board representative attend the session.

With no further comments being made, Chairman Allen closed the public comment opportunity.

## **7. Board of Supervisor's Meetings Attended in Past Month:**

### **PRA/Skyline CAP**

Supervisor Weakley attended a meeting of the PRA and the Skyline CAP

### **Chamber of Commerce/Madison Town Council**

Supervisor Butler attended a meeting of the Skyline CAP and the Madison Town Council.

### **PD-9**

Supervisor Lackey attended a meeting of the PD-9 (Regional Commission)

### **Madison County Planning Commission**

Supervisor Elliott attended a meeting of the Madison County Planning Commission.

### **Central Virginia Regional Jail/Rappahannock River Basin/General Assembly**

Chairman Allen attended a meeting of the Central Virginia Regional Jail Board.

Chairman Allen advised the Board will need to enter into a closed session; if the discussion requires any action, such will be taken after the Board reconvenes at the 7:00 p.m. session.

Chairman Allen thanked all for attending today and hopes the citizens will support the County's initiative to gain entrance into the Shenandoah National Park.

Supervisor Lackey thanked Ms. Montgomery for her questions and advised that although it's not the practice of the Board to respond to such questions during this particular meeting format, all concerns will be addressed and any member will be happy to have a discussion with anyone who has concerns.

### **8. Closed Session**

#### **a. Closed Session:**

On motion of Supervisor Butler, seconded by Supervisor Lackey, the Board convened in a closed session, pursuant to Virginia Code Section 2.2-3711(A)(7), pertaining to contract negotiations, specifically the Transfer Station, and Bond forfeiture, specifically pertaining to Fray's Mill Subdivision, and Virginia Code Section 2.2-3711(A)(1), pertaining to a personnel issue, specifically the Sheriff's Department and authorization for part-time wages, with the following vote recorded:

J. Dave Allen	Aye
Doris G. Lackey	Aye
Jerry J. Butler	Aye
Pete J. Elliott	Aye
Jonathon Weakley	Aye

#### **b. Motion to Reconvene in Open Session:**

On motion of Supervisor Butler, seconded by Supervisor Lackey, the Board reconvened in open session, with the following vote recorded:

J. Dave Allen	Aye
Doris G. Lackey	Aye
Jerry J. Butler	Aye
Pete J. Elliott	Aye
Jonathon Weakley	Aye

#### **c. Motion to Certify Compliance:**

On motion of Supervisor Butler, seconded by Supervisor Weakley, the Board voted to certify by roll call vote that only matters lawfully exempted from open meeting requirements pursuant to Virginia Code Section 2.2-3711(A)(7), and Virginia Code Section 2.2-3711(A)(1) and only matters that were identified in the motion to convene in a closed session were heard, discussed or considered in the closed meeting, with the following vote recorded:

J. Dave Allen	Aye
Doris G. Lackey	Aye
Jerry J. Butler	Aye
Pete J. Elliott	Aye
Jonathon Weakley	Aye

***\*Dinner break\****



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**7:00 p.m.**

**9. Reconvene Meeting**

Chairman Allen reconvened the meeting at 7:00 p.m. and advised that a quorum is present.

Chairman Allen advised the Board entered into a closed session before the dinner break to deal with a couple of personnel issues concerning part-time employment.

As a result of closed session, on motion of Supervisor Lackey, seconded by Supervisor Weakley, the Board moved to authorize the County Administrator to be able to offer part-time employment as established within the budget at an hourly rate of \$10.00 to \$15.00 per hour, with the following vote recorded:

J. Dave Allen	Aye
Doris G. Lackey	Aye
Jerry J. Butler	Aye
Pete J. Elliott	Nay
Jonathon Weakley	Aye

Chairman Allen advised there was also discussion about the transfer station contract.

As a result of closed session, on motion of Supervisor Weakley, seconded by Supervisor Lackey, the Board moved to authorize the County Administrator to prepare a severance package for the effected employees to be extended through June 30, 2013 in conjunction with the second amendment to the Waste Management Inc., contract agreement, with the following vote recorded:

J. Dave Allen	Aye
Doris G. Lackey	Aye
Jerry J. Butler	Nay
Pete J. Elliott	Nay
Jonathon Weakley	Aye

Supervisor Elliott verbalized concerns regarding the fact that the County has been told repeatedly there was no way to get out of the contract with Waste Management Services, Inc. and now this is being conducted.

The County Attorney clarified that the County isn't trying to get out of the contract, but is only amending the existing contract to extend the terms. Also, he clarified that the contract has also had a termination for the convenience of the provisions contained in the document – if the aforementioned statement was indicated, it was done so in error, as the contract was negotiated in 1998-1999, and has had a 'termination for

convenience' clause and a 'termination for cause' clause which have been in effect since that time, and will continue on in the second amendment. He further clarified that the first amendment was done so in relation to fuel charges and a name change.

Supervisor Elliott was also verbalized concerns that the contract wasn't placed out for competitive bid; therefore, he isn't in favor of supporting tonight's proposal. In closing, he questioned why there are two (2) employees at the facility and why the machine tickets provided at the facility aren't stamped.

Supervisor Weakley advised that although the decision regarding the transfer station was difficult, he feels the negotiation efforts will prove to be a benefit for the County overall.

Supervisor Butler also expressed concerns that the contract wasn't competitively bid, and also that the County Administrator was a former employee of Waste Management Services, Inc.

Chairman Allen advised that Waste Management Services, Inc. has indicated they will install a scale at the facility. Although the County Administrator was a former employee of Waste Management Services, Inc., he did check with other localities regarding their operational procedures. In closing, he verbalized full support of the efforts demonstrated by the County Administrator and has no doubt that great care has been taken to save the County in contract costs, to which Supervisor Lackey agreed.

Chairman Allen advised there was no other action as a result of tonight's closed session.

#### **9-a. Timesheet**

Supervisor Elliott verbalized concerns regarding the timesheets for the County employee who is asking for additional help; when reviewing the employee's timesheet, he noticed that requested information wasn't logged/recorded. In closing, he questioned how a determination can be made concerning the amount of time involved in doing daily tasks.

The County Administrator advised the employee in question keeps a daily log book. Additionally, he feels that requesting too much information can be counter-productive, and he prefers not to micro-manage. In closing, he doesn't feel that anything has been eliminated and is satisfied with the level of work that is being performed by the employee.

Supervisor Butler clarified the tracking mechanism also allowed the County to see how much time County employees were providing towards performing tasks for the Town and at other County locations.

The County Administrator advised that logging of time is being done and a survey has been conducted; he also indicated that a letter has been received regarding the level of satisfaction of the quality of work of County staff; he stressed the fact that employees should be given the freedom to perform their work, which is being done based on the end result.

In closing, Chairman Allen, Supervisor Lackey and Supervisor Weakley expressed appreciation with the County Administrator's work technique and the quality of work being performed by County employees.

#### **10-a. Salary Study:**

Supervisor Weakley advised that many County departments have verbalized concerns regarding where County positions range in today's job market. With the budget process ready to begin, he suggested the Board discuss this issue and assess whether a salary comparison could be done between the County and the surrounding localities.

Concerns were verbalized by the Board regarding:

- a) The amount of effort needed to conduct an 'in house' study;
- b) Whether departments can conduct their study and provide information for review;
- c) Whether all existing job descriptions are up to date;
- d) What steps can be done to bring departmental salaries in line with demonstrated skills and/or experience level;
- e) What can be done to promote employee longevity;
- f) Does VACo have something in place on this issue;

The County Administrator advised that bonuses and step increases are ways to encourage longevity; he also feels the County needs to remain competitive and provide an avenue for employees to attain promotions, although the County can't compare with some of the larger localities within the State.

After continued discussions, the majority of the Board members were in favor of an 'in house' study being conducted.

#### **10-b. Department Head Selection Process**

Chairman Allen advised the County Administrator has interviewed several people for the Finance Director vacancy. In closing, he advised there was discussion as to whether the Board would like the County Administrator to provide names and recommendations of potential candidates; however, there were some differences brought forth.

After discussion, the majority of the Board was in agreement with the County Administrator conducting interviews of potential candidates and providing input to the Board for review.

Supervisor Butler suggested the Board implement a change to the existing personnel policy to denote that when a department head leaves, the Board should have first input as to whether to: a) continue the position; and if so; b) the selection process should be done in consultation with the Board;

Chairman Allen advised that he wasn't in favor of the Board conducting interviews for a department head position. In closing, the Board will need to decide whether or not to move forward with the County Administrator's selection.

After discussion, on motion of Supervisor Weakley, seconded by Supervisor Lackey, the Board voted to authorize the process to select a department head to be conducted by the County Administrator and that information on a selected candidate should be provided to the Board for agreement and/or disagreement, with the following vote recorded:

J. Dave Allen	Aye
Doris G. Lackey	Aye
Jerry J. Butler	Nay
Pete J. Elliott	Nay
Jonathon Weakley	Aye

**7:00 p.m. PUBLIC COMMENT OPPORTUNITY (not to exceed five [5] minutes per speaker)**

Chairman Allen opened the floor for public comment.

Bill Campbell was present and commented that the Board called for abbreviated minutes and now can't recall what was done at a prior session; he also questioned why there wasn't an answer to concern presented about discontinuing input on employee timesheets; he also questioned how the Clerk of the Works for the school's CIP projects will be determined and who will the individual report to. Also, he questioned why such a large amount of funds will be paid to the engineers before any work is done.

Eleanor Montgomery was present and advised that she has attended several meetings and asked when her questions will be answered.

Chairman Allen advised Ms. Montgomery that she did meet with the County Administrator to discuss some concerns. Although the public meetings are based on an agenda format, any Board member will be happy to meet with any citizen(s) to discuss concerns.

Dave Ashley was present and informed the County Administrator that despite an email sent to alert County employees about wearing seatbelts; however, he has still observed this activity being done. In closing, he urged the County Administrator to send another email and alert staff that citizens are watching – if this activity continues, he will provide more specific information. In closing, he acknowledged the Board's desire to conduct an 'in house' study and is curious to see what transpires.

With no further comments being brought forth, Chairman Allen closed the public comment opportunity.

#### **11. Information/Correspondence (if any)**

Chairman Allen advised the fiscal cliff deal didn't resolve everything and that County employees will have to pay an additional 2% for social security; thereby causing a pay reduction.

With no further action being required, on motion of Supervisor Lackey, seconded by Supervisor Weakley, Chairman Allen continued the meeting to Monday, January 14, 2013 at 7:30 p.m. in the auditorium located at 414 N. Main Street, with the following vote recorded:

J. Dave Allen	Aye
Doris G. Lackey	Aye
Jerry J. Butler	Aye
Pete J. Elliott	Aye
Jonathon Weakley	Aye

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J. Dave Allen, Chairman  
Madison County Board of Supervisors

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Jacqueline S. Frye, Clerk of the Board

Adopted on: March 12, 2013

Copies: J. Dave Allen, Doris G. Lackey, Jerry J. Butler, Pete J. Elliott, Jonathon Weakley, V. R. Shackelford, III & Constitutional Officers

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